

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

XBRANCH LLC,)
)
Plaintiff,)
) Civil Action No. _____
v.)
) **JURY TRIAL DEMANDED**
AMAZON.COM, INC. and)
AMAZON.COM LLC)
)
Defendants.)
)

COMPLAINT

For its Complaint, Plaintiff XBranch LLC ("XBranch"), by and through the undersigned counsel, alleges as follows:

THE PARTIES

1. XBranch is a Texas limited liability company with a place of business located at 1400 Preston Road, Suite 400, Plano, Texas 75093.
2. Defendant Amazon.com, Inc. is a Delaware corporation with, upon information and belief, a place of business located at 410 Terry Avenue North, Seattle, Washington 98109.
3. Defendant Amazon.com LLC is a Delaware limited liability company with, upon information and belief, a place of business located at 410 Terry Avenue North, Seattle, Washington 98109
4. Upon information and belief, Defendant Amazon.com LLC has registered with the Texas Secretary of State to conduct business in Texas.
5. Upon information and belief, Defendant Amazon.com LLC is a wholly owned subsidiary of Defendant Amazon.com, Inc.

JURISDICTION AND VENUE

6. This action arises under the Patent Act, 35 U.S.C. § 1 *et seq.*

7. Subject matter jurisdiction is proper in this Court under 28 U.S.C. §§ 1331 and 1338.

8. Upon information and belief, Defendants conduct substantial business in this forum, directly or through intermediaries, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct and/or deriving substantial revenue from goods and services provided to individuals in this district.

9. Venue is proper in this district pursuant to §§ 1391(b), (c) and 1400(b).

THE PATENT-IN-SUIT

10. On March 6, 2007, United States Patent No. 7,188,308 (the "'308 patent"), entitled "Interface and Method for Exploring a Collection of Data," was duly and lawfully issued by the U.S. Patent and Trademark Office. A true and correct copy of the '308 patent is attached hereto as Exhibit A.

11. XBranch is the assignee and owner of the right, title and interest in and to the '308 patent, including the right to assert all causes of action arising under said patents and the right to any remedies for infringement of them.

COUNT I – INFRINGEMENT OF U.S. PATENT NO. 7,188,308

12. XBranch repeats and realleges the allegations of paragraphs 1 through 11 as if fully set forth herein.

13. Without license or authorization and in violation of 35 U.S.C. § 271(a), Defendants are liable for infringement of the '308 patent by making, using, importing, offering

for sale, and/or selling computer implemented methods and software for generating an application user interface window used by an executing application program on a computer that permits a user to explore at least a portion of a database or a plurality of related databases or a collection of data, including but not limited to software and methods used for operating the www.amazon.com website.

14. XBranch is entitled to recover from Defendants the damages sustained by XBRanch as a result of Defendants' infringement of the '308 patent in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

JURY DEMAND

XBranch hereby demands a trial by jury on all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, XBranch requests that this Court enter judgment against Defendants as follows:

- A. An adjudication that Defendants have infringed the '308 patent;
- B. An award of damages to be paid by Defendants adequate to compensate XBranch for Defendants' infringement of the '308 patent and any continuing or future infringement through the date such judgment is entered, including interest, costs, expenses and an accounting of all infringing acts including, but not limited to, those acts not presented at trial;
- C. A declaration that this case is exceptional under 35 U.S.C. § 285, and an award of XBranch's reasonable attorneys' fees; and
- D. An award to XBranch of such further relief at law or in equity as the Court deems just and proper.

Dated: November 30, 2015

/s/Andrew W. Spangler

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